

**FEDERAL ELECTION COMMISSION**  
**FIRST GENERAL COUNSEL'S REPORT**

MUR: 7144  
DATE COMPLAINT FILED: October 3, 2016  
DATE OF NOTIFICATION: October 7, 2016  
LAST RESPONSE RECEIVED: November 14, 2016  
DATE ACTIVATED: February 2, 2017

EXPIRATION OF SOL: July 15, 2020  
ELECTION CYCLE: 2016

**COMPLAINANT:**

Beatriz LeBron

**RESPONDENTS:**

Christopher L. Jacobs  
Martina V. Rehorik  
Jeb 2016, Inc. and William Simon in  
his official capacity as treasurer

**RELEVANT STATUTES  
AND REGULATON:**

52 U.S.C. § 30121  
52 U.S.C. § 30122  
52 U.S.C. § 30104(b)  
11 C.F.R. § 110.4

**INTERNAL REPORTS CHECKED:** None

**FEDERAL AGENCIES CHECKED:** None

**I. INTRODUCTION**

Complainant alleges that Christopher L. Jacobs made a contribution in the name of Martina V. Rehorik to Jeb 2016, Inc., the principal campaign committee of 2016 presidential candidate John Ellis Bush ("Committee"), in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). The Complaint further alleges that Rehorik may have been a foreign national and "thereby ineligible to make contributions to a federal candidate."<sup>1</sup>

The available information does not indicate that Rehorik used funds other than her own to contribute to the Committee, or that she is a foreign national, and so we recommend that the Commission find no reason to believe that Jacobs, Rehorik, or the Committee violated 52 U.S.C.

<sup>1</sup> Compl. at 1 (Oct. 3, 2016).

§ 30122 by making or receiving a contribution in the name of another, and no reason to believe that Rehorik or the Committee violated 52 U.S.C. § 30121 by making or receiving a foreign national contribution. We also recommend that the Commission close the file.

## II. FACTUAL AND LEGAL ANALYSIS

On June 29, 2015, Jacobs contributed the maximum allowable limit of \$2,700 to the Committee; the Committee reported the contribution in its 2015 July Quarterly Report, listing Jacobs' employer as "Erie County" and his occupation as "Government."<sup>2</sup> On July 15, 2015, Rehorik also made a \$2,700 contribution to the Committee; the Committee reported the contribution on its 2015 October Quarterly Report and listed her employer as "Erie County" and occupation as "County Clerk."<sup>3</sup>

The Complaint makes two allegations related to these contributions. First, the Complaint alleges that Jacobs, who had already contributed the maximum allowable limit of \$2,700 to the Committee on June 29, also made the \$2,700 contribution that was reported as having been made by Rehorik on July 15. The Complaint points out that Jacobs is employed as the Erie County Clerk, but "County Clerk" was listed under the occupation field for Rehorik's reported contribution.<sup>4</sup> Complainant asserts that "Ms. Rehorik's use of Mr. Jacobs' title appears to be a way for Mr. Jacobs to let the Bush campaign know that the contribution was made on [Jacobs] behalf."<sup>5</sup> The Complaint also maintains that it was unlikely that Rehorik could afford to make such a large contribution, as public information indicates that Rehorik earned a salary of \$41,317

<sup>2</sup> Jeb 2016, Inc. Amended 2015 July Quarterly Report (January 31, 2016) at 715, *available at* <http://docquery.fec.gov/pdf/580/201601319005221580/201601319005221580.pdf>.

<sup>3</sup> Jeb 2016, Inc. Amended 2015 October Quarterly Report (January 31, 2016) at 2405, *available at* <http://docquery.fec.gov/pdf/061/201601319005228061/201601319005228061.pdf>.

<sup>4</sup> Compl. at 1.

<sup>5</sup> *Id.*

1 as an employee in the office of the County Clerk of Erie County and her \$2,700 contribution is  
2 much larger than her previous contributions.<sup>6</sup>

3 Jacobs and Rehorik each deny that Rehorik's contribution was actually made by Jacobs,  
4 asserting that the Complainant "lacks the facts to make an informed statement" about her  
5 finances, as Rehorik's employment with the Erie County Clerk's Office ended almost 18 months  
6 prior to her making the contribution at issue.<sup>7</sup> Jacobs and Rehorik further state that Rehorik  
7 "made the donation with her own funds and of her own volition," and that her post-Erie County  
8 Clerk's Office employment has provided her with ample funds to do so.<sup>8</sup> They also deny that  
9 Rehorik's contribution "was made 'to let the Bush campaign know that the contribution was on'  
10 Mr. Jacob's behalf."<sup>9</sup> The Committee, for its part, describes the Complaint's allegations as  
11 "based on nothing more than speculation about two donors to the Committee."<sup>10</sup>

12 The Act and Commission regulations provide that no person shall make a contribution in  
13 the name of another person or knowingly permit his or her name to be used to effect such a  
14 contribution.<sup>11</sup> Additionally, no person shall knowingly accept a contribution made by one  
15 person in the name of another.<sup>12</sup> The available record does not suggest that Jacobs provided  
16 Rehorik with the funds for the contributions. Complainant primarily bases the allegation on

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<sup>6</sup> *Id.*

<sup>7</sup> Joint Response of Christopher L. Jacobs and Martina V. Rehorik ("Joint Resp.") at 2 (Nov. 3, 2016). Rehorik documents that her employment ended at the Erie County Clerk's Office on February 5, 2014. *See id.* Attach. (letter from Peggy A. Lagree, Erie County First Deputy County Clerk, Oct. 20, 2016).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Committee Response at 1 (Nov. 15, 2016).

<sup>11</sup> 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii). In addition, "no person shall . . . knowingly help or assist any person in making a contribution in the name of another." 11 C.F.R. § 110.4(b)(1)(iii).

<sup>12</sup> *Id.*

1 inferences drawn from Rehorik's use of "County Clerk" when providing her occupation to the  
2 Committee, and from apparently outdated information about Rehorik's salary. This information  
3 does not support a reasonable inference that Jacobs made a contribution in Rehorik's name or  
4 that the Committee knowingly accepted any such contribution, and Jacobs and Rehorik  
5 specifically deny the allegation. Accordingly, we recommend that the Commission find no  
6 reason to believe that Christopher L. Jacobs or Martina V. Rehorik violated 52 U.S.C. § 30122  
7 by making a contribution in the name of another, and no reason to believe that the Committee  
8 violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another.<sup>13</sup>

9 Second, the Complaint alleges that Rehorik was born outside of the United States,  
10 thereby indicating that she may be a foreign national ineligible to make a contributions to a  
11 federal candidate.<sup>14</sup> The Act provides that it is unlawful for a foreign national, directly or  
12 indirectly, to make a contribution or donation of money or other thing of value in connection  
13 with a Federal, State, or local election, and for a person to solicit, accept, or receive such a

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<sup>13</sup> The facts also raise the issue of whether the Committee violated the Act's reporting requirements by incorrectly reporting Rehorik's occupation and employer information. *See* 52 U.S.C. §§ 30104(b)(3)(A), 30101(13)(A) (requiring candidate committees to identify persons who make contributions that, when aggregated, exceed \$200 for the election cycle by providing the person's name, address, occupation and name of employer). As discussed, Rehorik's contribution was reported incorrectly because it listed Erie County as her employer, and "County Clerk" as her occupation. Rehorik concedes that her employment with the Erie County Clerk's Office ended almost 18 months prior to her making the contribution at issue. Joint Resp. at 2, Attach. We do not recommend that the Commission make any findings with respect to the incorrect identifying information, as the Committee does not have the benefit of Rehorik's response, which makes clear that the information is inaccurate. However, we intend to send the Committee a letter notifying them that information in the Commission's possession shows that the identifying information for Rehorik's contribution is inaccurate and reminding the Committee of its ongoing obligation to correct inaccurate information. *See* 11 C.F.R. § 104.7(b)(4); 58 Fed. Reg. 57,725, 57,728 (Mar. 3, 1994) (Explanation and Justification) (if a committee receives contributor information after the contribution has been reported, it should either file an amended memo Schedule A with its next scheduled report, listing the contribution for which additional information was received including occupation and employer information, or file on or before the next scheduled report, amendments to the original reports on which the contributions were originally reported).

<sup>14</sup> Compl. at 1.

1 contribution or donation.<sup>15</sup> The prohibition against contributions by foreign nationals does not  
2 apply to an individual who is a citizen of the United States or lawfully admitted for permanent  
3 residence in the United States, including green card holders.<sup>16</sup>

4 Rehorik asserts that she is not a "foreign national," as she obtained her green card on  
5 December 4, 1993, and such status is among the exceptions to the "foreign national" category as  
6 specified in 52 U.S.C. § 30121(b).<sup>17</sup> The available record does not include evidence refuting  
7 Rehorik's status as a green card holder with "the privilege of residing permanently in the United  
8 States," as the Complainant's allegation is based solely on an assertion that Rehorik was born  
9 outside of the United States.<sup>18</sup> Therefore, we recommend that the Commission find no reason to  
10 believe that Martina V. Rehorik violated 52 U.S.C. § 30121 by making, and the Committee by  
11 accepting, a foreign national contribution. We also recommend that the Commission close the  
12 file.

### 13 III. RECOMMENDATIONS

- 14 1. Find no reason to believe that Christopher L. Jacobs violated 52 U.S.C.  
15 § 30122.
- 16 2. Find no reason to believe that Martina V. Rehorik violated 52 U.S.C. §§ 30121 or  
17 30122.
- 18 3. Find no reason to believe that Jeb 2016, Inc. and William Simon in his official  
19 capacity as treasurer violated 52 U.S.C. §§ 30121 or 30122.
- 20 4. Approve the attached Factual and Legal Analysis.

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<sup>15</sup> 52 U.S.C. § 30121(a).

<sup>16</sup> See 52 U.S.C. § 30121(b) (providing that "the term 'foreign national' shall not include any individual who is a citizen of the United States" or an individual who is "lawfully admitted for permanent residence"); *see also* FEC, FOREIGN NATIONALS at 2 (July 2003), [http://www.fec.gov/pages/brochures/foreign\\_nat\\_brochure.pdf](http://www.fec.gov/pages/brochures/foreign_nat_brochure.pdf) (setting forth the "green card exception" whereby an immigrant may make a contribution if he or she has a "green card" indicating his or her lawful admittance for permanent residence in the United States).

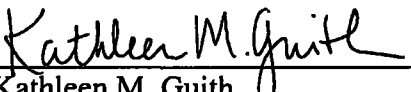
<sup>17</sup> Joint Resp. at 2.

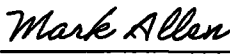
<sup>18</sup> See 8 U.S.C. § 1101(a)(20), cited in 52 U.S.C. § 30121(b)(2).

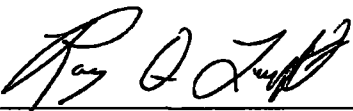
5. Approve the appropriate letters.
6. Close the file.

Lisa J. Stevenson  
Acting General Counsel

5/2/2017  
Date

  
Kathleen M. Guith  
Associate General Counsel  
for Enforcement

  
Mark Allen  
Assistant General Counsel

  
Roy Q. Lockett  
Attorney

Attachment:  
Factual and Legal Analysis

170444-100000-1

1 **FEDERAL ELECTION COMMISSION**

2  
3 **FACTUAL AND LEGAL ANALYSIS**

4  
5  
6 **RESPONDENTS:** Christopher L. Jacobs **MUR: 7144**  
7 Martina V. Rehorik  
8 Jeb 2016, Inc. and William Simon  
9 in his official capacity as treasurer  
10

11 **I. INTRODUCTION**

12 This matter was generated by a Complaint filed by Beatriz Lebron. The Complaint  
13 alleges that Christopher L. Jacobs made a contribution in the name of Martina V. Rehorik to Jeb  
14 2016, Inc., the principal campaign committee of 2016 presidential candidate John Ellis Bush  
15 (“Committee”), in violation of the Federal Election Campaign Act of 1971, as amended (the  
16 “Act”). The Complaint further alleges that Rehorik may have been a foreign national and  
17 “thereby ineligible to make contributions to a federal candidate.”<sup>1</sup> For the reasons described  
18 below, the Commission finds no reason to believe that Jacobs, Rehorik, or the Committee  
19 violated 52 U.S.C. § 30122 by making or receiving a contribution in the name of another, and no  
20 reason to believe that Rehorik or the Committee violated 52 U.S.C. § 30121 by making or  
21 receiving a foreign national contribution.

22 **II. FACTUAL BACKGROUND**

23 On June 29, 2015, Jacobs contributed the maximum allowable limit of \$2,700 to the  
24 Committee; the Committee reported the contribution in its 2015 July Quarterly Report, listing  
25 Jacobs’ employer as “Erie County” and his occupation as “Government.”<sup>2</sup> On July 15, 2015,

<sup>1</sup> Compl. at 1 (Oct. 3, 2016).

<sup>2</sup> Jeb 2016, Inc. Amended 2015 July Quarterly Report (January 31, 2016) at 715, *available at*  
<http://docquery.fec.gov/pdf/580/201601319005221580/201601319005221580.pdf>.

1 Rehorik also made a \$2,700 contribution to the Committee; the Committee reported the  
2 contribution on its 2015 October Quarterly Report and listed her employer as "Erie County" and  
3 occupation as "County Clerk."<sup>3</sup>

4 The Complaint makes two allegations related to these contributions. First, the Complaint  
5 alleges that Jacobs, who had already contributed the maximum allowable limit of \$2,700 to the  
6 Committee on June 29, also made the \$2,700 contribution that was reported as having been made  
7 by Rehorik on July 15. The Complaint points out that Jacobs is employed as the Erie County  
8 Clerk, but "County Clerk" was listed under the occupation field for Rehorik's reported  
9 contribution.<sup>4</sup> Complainant asserts that "Ms. Rehorik's use of Mr. Jacobs' title appears to be a  
10 way for Mr. Jacobs to let the Bush campaign know that the contribution was made on [Jacobs]  
11 behalf."<sup>5</sup> The Complaint also maintains that it was unlikely that Rehorik could afford to make  
12 such a large contribution, as public information indicates that Rehorik earned a salary of \$41,317  
13 as an employee in the office of the County Clerk of Erie County and her \$2,700 contribution is  
14 much larger than her previous contributions.<sup>6</sup>

15 Jacobs and Rehorik each deny that Rehorik's contribution was actually made by Jacobs,  
16 asserting that the Complainant "lacks the facts to make an informed statement" about her  
17 finances, as Rehorik's employment with the Erie County Clerk's Office ended almost 18 months

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<sup>3</sup> Jeb 2016, Inc. Amended 2015 October Quarterly Report (January 31, 2016) at 2405, *available at*  
<http://docquery.fec.gov/pdf/061/201601319005228061/201601319005228061.pdf>.

<sup>4</sup> Compl. at 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*



1 prior to her making the contribution at issue.<sup>7</sup> Jacobs and Rehorik further state that Rehorik  
2 “made the donation with her own funds and of her own volition,” and that her post-Erie County  
3 Clerk’s Office employment has provided her with ample funds to do so.<sup>8</sup> They also deny that  
4 Rehorik’s contribution “was made ‘to let the Bush campaign know that the contribution was on’  
5 Mr. Jacob’s behalf.”<sup>9</sup> The Committee, for its part, describes the Complaint’s allegations as  
6 “based on nothing more than speculation about two donors to the Committee.”<sup>10</sup>

7 **III. LEGAL ANALYSIS**

8 The Act and Commission regulations provide that no person shall make a contribution in  
9 the name of another person or knowingly permit his or her name to be used to effect such a  
10 contribution.<sup>11</sup> Additionally, no person shall knowingly accept a contribution made by one  
11 person in the name of another.<sup>12</sup> The available record does not suggest that Jacobs provided  
12 Rehorik with the funds for the contributions. Complainant primarily bases the allegation on  
13 inferences drawn from Rehorik’s use of “County Clerk” when providing her occupation to the  
14 Committee, and from apparently outdated information about Rehorik’s salary. This information  
15 does not support a reasonable inference that Jacobs made a contribution in Rehorik’s name or  
16 that the Committee knowingly accepted any such contribution, and Jacobs and Rehorik

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<sup>7</sup> Joint Response of Christopher L. Jacobs and Martina V. Rehorik (“Joint Resp.”) at 2 (Nov. 3, 2016). Rehorik documents that her employment ended at the Erie County Clerk’s Office on February 5, 2014. *See id.* Attach. (letter from Peggy A. Lagree, Erie County First Deputy County Clerk, Oct. 20, 2016).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Committee Response at 1 (Nov. 15, 2016).

<sup>11</sup> 52 U.S.C. § 30122; 11 C.F.R. § 110.4(b)(1)(i), (ii). In addition, “no person shall . . . knowingly help or assist any person in making a contribution in the name of another.” 11 C.F.R. § 110.4(b)(1)(iii).

<sup>12</sup> *Id.*

1 specifically deny the allegation. Accordingly, we recommend that the Commission find no  
2 reason to believe that Christopher L. Jacobs or Martina V. Rehorik violated 52 U.S.C. § 30122  
3 by making a contribution in the name of another, and no reason to believe that the Committee  
4 violated 52 U.S.C. § 30122 by knowingly accepting a contribution in the name of another.

5 Second, the Complaint alleges that Rehorik was born outside of the United States,  
6 thereby indicating that she may be a foreign national ineligible to make a contributions to a  
7 federal candidate.<sup>13</sup> The Act provides that it is unlawful for a foreign national, directly or  
8 indirectly, to make a contribution or donation of money or other thing of value in connection  
9 with a Federal, State, or local election, and for a person to solicit, accept, or receive such a  
10 contribution or donation.<sup>14</sup> The prohibition against contributions by foreign nationals does not  
11 apply to an individual who is a citizen of the United States or lawfully admitted for permanent  
12 residence in the United States, including green card holders.<sup>15</sup>

13 Rehorik asserts that she is not a “foreign national,” as she obtained her green card on  
14 December 4, 1993, and such status is among the exceptions to the “foreign national” category as  
15 specified in 52 U.S.C. § 30121(b).<sup>16</sup> The available record does not include evidence refuting  
16 Rehorik’s status as a green card holder with “the privilege of residing permanently in the United  
17 States,” as the Complainant’s allegation is based solely on an assertion that Rehorik was born

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<sup>13</sup> Compl. at 1.

<sup>14</sup> 52 U.S.C. § 30121(a).

<sup>15</sup> See 52 U.S.C. § 30121(b) (providing that “the term ‘foreign national’ shall not include any individual who is a citizen of the United States” or an individual who is “lawfully admitted for permanent residence”); see also FEC, FOREIGN NATIONALS at 2 (July 2003), [http://www.fec.gov/pages/brochures/foreign\\_nat\\_brochure.pdf](http://www.fec.gov/pages/brochures/foreign_nat_brochure.pdf) (setting forth the “green card exception” whereby an immigrant may make a contribution if he or she has a “green card” indicating his or her lawful admittance for permanent residence in the United States).

<sup>16</sup> Joint Resp. at 2.

- 1 outside of the United States.<sup>17</sup> Therefore, the Commission finds no reason to believe that  
2 Martina V. Rehorik violated 52 U.S.C. § 30121 by making, and the Committee by accepting, a  
3 foreign national contribution.

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<sup>17</sup> See 8 U.S.C. § 1101(a)(20), cited in 52 U.S.C. § 30121(b)(2).